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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,924	01/16/2004	Jonathan W. Furlong	084554-9174-00	6538
23409	7590	09/08/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,924	Applicant(s) FURLONG, JONATHAN W.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 21, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on July 5, 2006. In order to correct some informality that were not considered in the last Office Action filed on April 4, 2006, a new non-final rejection has been made on the record.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the handle including a slot or the handle including a base that includes the slot, as claim in claims 5 and 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

At the instant, the handle is connected to a base member 130 that includes a slot 170.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the

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filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. **Claims 5 and 6 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 6 recites that the handle includes a slot or that the handle includes a base that includes the slot. However, after further review, the base member 130 is the one that includes the slot and the handle is connected to the base, not that the handle includes the base.

Therefore, in order to continue with the examination, the claims will be given a broad interpretation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-9,21,22,24 and 25 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,107,113 to Sconzo.

Regarding claims 1 and 21, Sconzo discloses a door handle assembly comprising a first cover (14) coupled to an attachment surface (door); a second cover (15) separate from the first cover and coupled to the attachment surface; a handle (11 or 12) interconnecting the first and second covers and including a first attachment portion and a second attachment portion spaced apart a distance to couple the handle to the door.

The assembly comprises an actuator (13) and a latch bolt (Col. 2 Line 46) coupled to the actuator.

Further, the assembly comprises an attachment member (27) at least partially defining the second attachment portion and defining an attachment axis that is substantially parallel to the attachment surface. The attachment member is moveable along the attachment axis relative to the handle to move the second attachment portion between a first and a second position to vary the distance between the first and second attachment portions.

As to claim 2, Sconzo discloses that the first position is a first distance from the latch bolt axis and the second position is a second distance from the latch bolt axis, the first distance being different from the second distance (by changing the position of 35 at the bottom within the slot 26 or 36).

As to claim 3, Sconzo illustrates that the latch bolt axis is substantially perpendicular to the attachment axis (Figure 1).

As to claim 4, Sconzo discloses that the attachment member (27) is movable along an adjustment axis, the adjustment axis being substantially perpendicular to the latch bolt axis.

As to claim 5, Sconzo discloses that the door handle system includes a slot (26) and the attachment member includes a shoulder portion (29) engageable with the slot.

As to claim 6, Sconzo discloses that the door handle system includes a base (21 or 40) that defines a slot (26 or 36).

As to claim 7, Sconzo discloses a door handle assembly comprising a first cover (14) coupled to an attachment surface (door); a second cover (15) separate from the first cover and coupled to the attachment surface; a handle (11 or 12) coupled to the first and second covers; an actuator (13) coupled to the door; a latch bolt coupled to the actuator and movable along a latch bolt axis between an extended position and a retracted position; and an attachment member (27) defining an attachment axis and movable relative to the handle between a first position and a second position.

The handle includes a base (21 or 40) that defines a slot (26 or 36) and wherein the attachment member (27) includes a T-shaped slider (Figure 2, T-shaped cross section) slidably engageable with the slot.

As to claim 8, Sconzo discloses that the assembly further comprises cover member (14 or 15) coupled to the handle to at least partially cover the attachment member.

As to claim 9, Sconzo discloses that the assembly further comprises a bolt (35) threadably engageable with the T-shaped slider.

As to claim 22, Sconzo discloses that the attachment member (27) is adapted to receive a fastener (35) along an axis substantially perpendicular to the attachment surface.

As to claim 24, Sconzo discloses a door handle assembly comprising a one piece handle (11,12,14 and 15 when they are connected, makes a one piece embodiment) having a first end defining a first attachment portion and a second end defining a second attachment portion (see attachment #1); a base (21 or 40) fixedly attached to the second end defining a slot (26 or 36); and an attachment member (27) coupled to the second end to at least partially define the second attachment portion and having an orientation that is substantially fixed with respect to the second end.

The attachment member is moveable within a plane that is substantially parallel to the attachment surface to vary the distance between the first and second attachment portions. The attachment member (27) includes a slider engaged with the slot (26) and moveable within the slot between a first and a second position.

As to claim 25, Sconzo discloses a door handle assembly comprising a one-piece handle (11,12,14 and 15 when they are connected, makes a one piece embodiment) having a first end and a second end, the handle coupled to the door; a base (21 or 40) fixedly attached to the second end, the base defining a slot (26 or 36); and an attachment member (27) coupled to the second end and having an

orientation that is substantially fixed with respect to the second end, the attachment member movable within a plane that is substantially parallel to the attachment surface, wherein the attachment member includes a slider engaged with the slot and movable within the slot between a first position and a second position, wherein the attachment member is substantially T-shaped.

Response to Arguments

7. Applicant's arguments filed on July 5, 2006 have been fully considered but they are not persuasive.

The applicant argues that the new amendment to the claims, including that the assembly includes first and second separate covers and the handle interconnects or couple the two covers (claims 1 and 7) that the first and second attachment portions are coupled to the door to fix the position and orientation of the handle with respect to the door (claims 21) and that the handle is a one piece member (claims 24 and 25), will overcome the current rejection in view of Sconzo.

First, Sconzo discloses an assembly comprising first and second separate covers (14 and 15) and a handle (11 or 12) that interconnects or couple the two covers.

Second, Sconzo discloses that the first and second attachment portions are coupled to the door to fix the position and orientation of the handle (11,12,14 and 15) with respect to the door.

Third, Sconzo illustrates that the handle is a one-piece member since when elements 11,12,14 and 15 are connected; the final product is a one-piece embodiment.

Therefore, arguments are not persuasive and the rejection is maintained.

Further, it was noted some informalities in claims 5 and 6. Therefore a 112 2nd paragraph rejection and a drawing objection have been made on the record (the drawing objection can be overcome by amending the claim language).

Conclusion

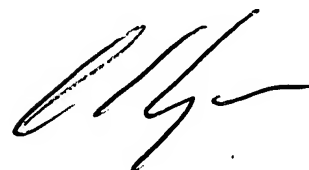
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CL' followed by a stylized flourish.

Carlos Lugo
Patent Examiner
Art Unit 3676

August 28, 2006.